

REMARKS

This application has been carefully reviewed in light of the Office Action dated January 24, 2003 (Paper No. 12). Claims 1 to 9, 25, 32, 33, 45 to 51, 53 and 62 are in the application, of which Claims 1, 2, 25, 32, 33, 45, 53 and 62 are independent. Reconsideration and further examination are respectfully requested.

All claims were rejected provisionally, for obviousness-type double patenting over Claims 1 to 71 of co-pending Application No. 09/725,032 (Sanada, published at US 2001/0007274). Applicants respectfully submit that there is neither judicial nor legislative authority for entering a rejection that is "provisional", since the claims of Sanada have not actually been patented. Moreover, there is no assurance that the claims of Sanada, even if patented, would be patented in the published wording of the claims. Accordingly, withdrawal of this basis for rejection is respectfully requested.

It is noted that Sanada has an earlier filing date than the filing date of the subject application, and therefore qualifies as prior art under 35 U.S.C. § 102(e). In a telephone conversation with the Examiner on February 21, 2003, the Examiner confirmed that he did not enter such a rejection since the filing date of Sanada is later than the Japanese priority date of the subject application. To complete the record on this point, Applicants are herewith filing sworn translations of these Japanese priority documents. In accordance with the procedure at MPEP § 201.15, the Examiner should confirm for himself that Applicants are entitled to their priority date.

Finally, to complete the record with respect to the Sanada application, Applicants are herewith filing an Information Disclosure Statement citing all art currently of record in the Sanada application. The Sanada application itself was cited in the Information Disclosure Statement dated October 25, 2001. However, since the Examiner apparently feels that the claims of the Sanada application are also relevant, he might also feel that the art of record from Sanada is also relevant. Hence, it is believed that this Information Disclosure Statement is timely, and its consideration is respectfully requested.

Claim 52, which had been rejected under § 102(e) over U.S. Patent 6,177,523 (Reich) has been cancelled without prejudice or disclaimer of subject matter, and without conceding the correctness of the rejection.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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